

# How can I have my child returned from a Hague Convention country?



Information for parents  
about the 1980 Hague Convention on the Civil  
Aspects of International Child Abduction  
("the Convention")

## If your child is currently in another Hague Convention country because

- They have been taken out of Australia without your consent, or without a court order allowing them to do so; or
- They have not been returned to Australia after an overseas holiday

**Then you could be eligible to make an application through the Convention for your child's return.**

## The Convention

Is a treaty that helps parents start court proceedings for their child to be returned. Australia is a party to this Convention.

For an up to date list of countries that enforce this treaty with Australia, you should look at the Attorney General's Department's (AGD) website.

## To be eligible

Your child must be under 16 years old, have been habitually resident in Australia and you would have been exercising parental responsibility at the time they were taken overseas.

Each person's circumstances can be different, so you should speak to a lawyer first.

## What I can do now

- Tell the other parent that you want your child returned. You must consistently show that you want your child to be returned
- Ensure that you make your application and commence proceedings well before 12 months of the date your child was wrongfully removed or retained overseas
- Limit your communication with the other parent to emails or messages so you have a record of your conversations
- The taking parent can raise 'defences' against your application in court, so it's best you speak to a lawyer

## Who can I talk to?

- International Social Service (ISS) Australia - our office is funded by the AGD to provide legal advice, emotional support, and help prepare documents for return applications free of charge
- Mediation - ISS Australia provides an international family mediation service for parents separated by borders who wish to discuss parenting matters
- Attorney General's Department

# The legal process for the return of a child

1

Seek legal advice about making a return application under the 1980 Hague Convention.

Call ISS Australia on 1300 657 843 for free emotional support and legal advice

2

To start the process, you will need to prepare an application and affidavit.

Where possible, ISS Australia will prepare these documents for you free of charge.

3

Submit your documents to the Attorney General's Department ("AGD") for assessment.

4

Your case officer from the AGD will guide you through the next steps, which will include filing your application in the overseas country.

5

Court proceedings may start in the overseas country.

If you need to file further documents in these court proceedings, ISS Australia may be able to prepare these documents for you

6

At the end of the court proceedings, the judge will decide whether your child will be returned to Australia.